

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77164767
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
ARGUMENT(S)	<p>Applicant filed a Petition to Cancel the cited KUDOS and KUDOS & Design registrations maintained by Kudos Information, Inc. (Reg. Nos. 2,694,857 and 2,703,847). This Petition and its filing receipt are attached; accordingly, Applicant respectfully requests that the application be suspended pending the disposition of this opposition proceeding.</p> <p>Additionally, a Notice of Appeal to the Trademark Trial and Appeal Board is being filed simultaneously herewith to preserve Applicant's rights. A copy of said Notice of Appeal is also attached hereto for the Examining Attorney's ready reference.</p>
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/12/16/20081216192234302165-77164767-002_001/evi_76748130-190338390_._Petition_to_Cancel.pdf
CONVERTED PDF FILE(S) (12 pages)	\\TICRS\EXPORT5\IMAGEOUT5\771\647\77164767\xml1\RFR0002.JPG
	\\TICRS\EXPORT5\IMAGEOUT5\771\647\77164767\xml1\RFR0003.JPG
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ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/12/16/20081216192234302165-77164767-002_002/evi_76748130-190338390_._Notice_of_Appeal.pdf
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT5\IMAGEOUT5\771\647\77164767\xml1\RFR0014.JPG</u>
DESCRIPTION OF EVIDENCE FILE	Petition to Cancel and Notice of Appeal
SIGNATURE SECTION	
RESPONSE SIGNATURE	/anthony j. palumbo/
SIGNATORY'S NAME	Anthony J. Palumbo
SIGNATORY'S POSITION	Attorney of record, D.C. bar member
DATE SIGNED	12/16/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Dec 16 19:22:34 EST 2008
TEAS STAMP	USPTO/RFR-76.74.8.130-200 81216192234302165-7716476 7-43026485d3e13a2eb7d478a f0f27333e794-N/A-N/A-2008 1216190338390742

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77164767** has been amended as follows:

ARGUMENT(S) In response to the substantive refusal(s), please note the following:

Applicant filed a Petition to Cancel the cited KUDOS and KUDOS & Design registrations maintained by Kudos Information, Inc. (Reg. Nos. 2,694,857 and 2,703,847). This Petition and its filing receipt are attached; accordingly, Applicant respectfully requests that the application be suspended pending the disposition of this opposition proceeding.

Additionally, a Notice of Appeal to the Trademark Trial and Appeal Board is being filed simultaneously herewith to preserve Applicant's rights. A copy of said Notice of Appeal is also attached hereto for the Examining Attorney's ready reference.

EVIDENCE

Evidence in the nature of Petition to Cancel and Notice of Appeal has been attached.

Original PDF file:

http://tgate/PDF/RFR/2008/12/16/20081216192234302165-77164767-002_001/evi_76748130-190338390_Petition_to_Cancel.pdf

Converted PDF file(s) (12 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Original PDF file:

http://tgate/PDF/RFR/2008/12/16/20081216192234302165-77164767-002_002/evi_76748130-190338390_.Notice_of_Appeal.pdf

Converted PDF file(s) (1 page)

Evidence-1

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /anthony j. palumbo/ Date: 12/16/2008

Signatory's Name: Anthony J. Palumbo

Signatory's Position: Attorney of record, D.C. bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77164767

Internet Transmission Date: Tue Dec 16 19:22:34 EST 2008

TEAS Stamp: USPTO/RFR-76.74.8.130-200812161922343021

65-77164767-43026485d3e13a2eb7d478af0f27

333e794-N/A-N/A-20081216190338390742

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re Reg. No. 2,694,857 – KUDOS;
Registered: March 11, 2003, and**

**Reg. No. 2,703,847 – KUDOS & Design;
Registered: April 8, 2003**

Kudos Film & Television Limited :

Petitioner, :

v. : Cancellation No. _____

Kudos Information, Inc. :

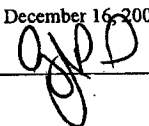
Respondent. :

PETITION TO CANCEL

Kudos Film & Television Limited, a United Kingdom corporation, having a business address at c/o Lee & Thompson, Green Garden House, 15-22 St. Christopher's Place, London W1U 1NL, United Kingdom ("Petitioner"), believes that it is, and will be damaged by the continued registration of Reg. No. 2,694,857 – KUDOS, registered March 11, 2003 for "educational services, namely, developing courseware featuring technical and business communication skills, computer software use, business management and computer services, educational services, namely publishing and disseminating books, manuals and computer discs on the subjects of technical and business communication skills, computer software use, business management and computer services; educational services, namely, providing customize training courses featuring technical and business communication skills, computer software use, business management and computer services via a global computer network" in Class 41, and Reg. No. 2,703,847 – KUDOS & Design, registered April 8, 2003 for "educational services, namely, developing courseware featuring technical and

DC01/2171348.1

FILED ELECTRONICALLY
December 16, 2008



business communication skills, computer software use, business management and computer services, educational services, namely publishing and disseminating books, manuals and computer discs on the subjects of technical and business communication skills, computer software use, business management and computer services; educational services, namely, providing customize training courses featuring technical and business communication skills, computer software use, business management and computer services via a global computer network” in Class 41, by Kudos Information, Inc., a Delaware corporation, having a business address at 2310 South Miami Boulevard, Suite 233, Durham, NC 27702 (“Respondent”); and hereby petitions to cancel the same pursuant to §14 of the Trademark Act of 1946 (15 U.S.C. §1064).

As grounds for cancellation, it is alleged that:

1. On April 24, 2007, Petitioner filed an application in the United States Patent and Trademark Office to register the mark KUDOS for “sound, music, image, data and video recordings featuring television programs, radio programs or motion picture films, and soundtracks thereof or characters therefrom; motion picture films featuring drama, comedy, action, adventure, animation and/or documentaries; television films and programs; radio programs; pre-recorded audio and/or video media, namely, CDs, CDRs, DVDs, DVDRs, DATs, DACs, mini-discs, records, tapes, cassettes and discs featuring television programs, radio programs or motion picture films, and soundtracks thereof or characters therefrom; interactive game programs and video games featuring or relating to television programs, radio programs or motion picture films, soundtracks thereof or characters therefrom; mouse mats, namely, mouse pads; downloadable digital sound recordings from the Internet; downloadable digital musical sound recordings provided from MP3 web sites on the Internet; downloadable digital video, film

and TV programs recordings from the Internet; downloadable digital video, film and TV programs recordings provided from MP4 web sites on the Internet featuring films and TV programs” in Class 9; “telecommunications services, namely, internet broadcasting services; broadcasting services relating to the transmission of television programs, radio programs or motion picture films, or soundtracks thereof; cable television broadcasting; radio broadcasting; satellite television broadcasting; terrestrial television broadcasting; satellite transmission and reception; audio teleconferencing and video teleconferencing services; provision of satellite up- and down-links; providing information, advisory and consultancy services in relation to the foregoing” in Class 38; and “entertainment services, namely, live and movie appearances by a professional entertainer; entertainment in the nature of on-going television and radio programs in the fields of comedy and drama; entertainment services, namely, a dramatic television or radio series; scriptwriting services; preparation, presentation, script writing, direction and production of radio, cable television, satellite, cinema and television programs; distribution of radio, satellite and television programs; audio production services; provision of facilities for the production of films, and television and radio programs; live show production services; film and motion picture production; production of animated cartoons; production of entertainment in the form of a television or radio series; production of television and radio shows; production of sound recordings; production of special effects for films, radio and television; rental of facilities for the production of television and radio programs; publication of books; syndication of radio and television programs; editing of film, videos, sound, audio, television, radio and cinema film recordings; provision of editing suites and editing studio services; arranging and conducting of live dance, music and drama performances; arranging and conducting of live shows based on

radio and television programs, films, shows, and/or recordings of sound, music or images; arrangement and production of theatrical and stage entertainment, namely, plays, musicals, opera and pantomime; arranging and conducting of colloquiums, conferences, congresses, seminars, symposiums, shows and workshops in the field of television programs, radio programs, motion picture films, plays and stage shows. arranging and conducting of lectures, demonstrations, displays, exhibitions, presentations, seminars, concerts, gigs, shows events, and festivals for entertainment purposes in the field of television programs, radio programs, motion picture films, plays and stage shows; organization of competitions in the field of television programs, radio programs, motion picture films, plays and stage shows; on-line library services, namely, providing electronic library services for supplying of electronic information, including archival information, in the form of electronic texts, audio and/or video information and data, games and amusements; providing digital sound recordings, not downloadable, from the Internet; providing digital sound recordings, not downloadable, from MP3 Internet websites; providing digital video, radio and TV programs (not downloadable) from the internet; providing digital video, radio and TV programs (not downloadable) from MP4 Internet websites; information, advisory and consultancy services in relation to the foregoing” in Class 41, Ser. No. 77/164,767.

2. Petitioner’s application to register KUDOS has been refused registration in view of Reg. No. 2,694,857 – KUDOS and Reg. No. 2,703,847 – KUDOS & Design, pursuant to an Office Action dated June 16, 2008, on the ground that the mark sought to be registered is confusingly similar to the marks shown in Respondent’s Reg. No. 2,694,857 and Reg. No. 2,703,847.

3. Respondent is the record owner of Reg. No. 2,694,857 – KUDOS and Reg. No. 2,703,847 – KUDOS & Design.

4. On information and belief, Respondent is no longer doing business under the name Kudos Information, Inc., with an intent not to resume the use thereof.

5. On information and belief, Respondent is not using the KUDOS and KUDOS & Design marks and has discontinued the use of these marks in connection with “educational services, namely, developing courseware featuring technical and business communication skills, computer software use, business management and computer services, educational services, namely publishing and disseminating books, manuals and computer discs on the subjects of technical and business communication skills, computer software use, business management and computer services; educational services, namely, providing customize training courses featuring technical and business communication skills, computer software use, business management and computer services via a global computer network,” with an intent not to resume the use thereof.

6. On information and belief, Respondent has abandoned any rights it may have in the KUDOS and KUDOS & Design marks as a result of its non-use of said marks.

7. The continued subsistence of Reg. No. 2,694,857 – KUDOS and Reg. No. 2,703,847 – KUDOS & Design irreparably damages Petitioner because the Examining Attorney has refused to register Petitioner’s application Ser. No. 77/164,767 on the ground that it is confusingly similar to Respondent’s Reg. No. 2,694,857 and Reg. No. 2,703,847, which are for marks that have been abandoned.

For the reasons set forth in paragraphs 1-7, the Petitioner believes, and believing asserts, that it will be damaged by the continued registration of Reg. No. 2,694,857 – KUDOS and Reg.

No. 2,703,847 – KUDOS & Design. Accordingly, Petitioner prays that this Petition be granted, and that Reg. No. 2,694,857 – KUDOS and Reg. No. 2,703,847 – KUDOS & Design be cancelled.

The sum of \$600.00 covering the government filing fee for this Petition is submitted herewith. If for any reason the fee does not get submitted or the amount is insufficient, please charge any fee or insufficiency to deposit account of Drinker Biddle & Reath LLP, Account No. 50-0573.

Respectfully submitted,

KUDOS FILM & TELEVISION LIMITED

By: 

Amy E. Carroll

Linda T. Makings

Anthony J. Palumbo

Drinker Biddle & Reath LLP

1500 K Street, N.W., Suite 1100

Washington D.C. 20005-1209

(202) 842-8800


Fax: (202) 842-8465

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITION FOR CANCELLATION** was served on Respondent at the following address of record, by first class mail, postage prepaid, this 16th day of December, 2008:

Kudos Information, Inc.
2310 South Miami Boulevard, Suite 233
Durham, NC 27702



A handwritten signature, possibly reading "APD", is written over a horizontal line.

Palumbo, Anthony J.

From: DCTrademarks
Sent: Tuesday, December 16, 2008 6:40 PM
To: Engel, Andrea L.; Dean, Jennifer L.; Weyback, MaryPat A.; Carroll, Amy E.; English, Christen M.; Acevedo, Debra E.; Casagrande, Pamela M.; Makings, Linda T.; Yung, Jaye S.; Coffin, Brenda J.; Haskins, Vanessa D.; Clark, Deborah L.; Palumbo, Anthony J.; Marshall, Carolyn L.; Docketing, DC Trademark; Barr, Molly G.
Subject: FW: ESTTA. Petition for Cancellation. confirmation receipt ID: ESTTA255466

From: estta-server@uspto.gov[SMTP:ESTTA-SERVER@USPTO.GOV]
Sent: Tuesday, December 16, 2008 6:39:36 PM
To: DCTrademarks
Subject: ESTTA. Petition for Cancellation. confirmation receipt ID: ESTTA255466 Auto forwarded by a Rule

Petition for Cancellation.

Tracking No: ESTTA255466

ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Petition for Cancellation. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at estta@uspto.gov.

The status of any Board proceeding may be checked using TTABVUE which is available at <http://ttabvue.uspto.gov> Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for TTABVUE to be updated with information on your submission.

The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA255466
Filing date: 12/16/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL
AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name: Kudos Film & Television Limited
Entity: Corporation
Citizenship: United Kingdom
Address: c/o Lee & Thompson, Green Garden House 15-22 St. Christopher's Place London, W1U1NL
UNITED KINGDOM

Attorney information:

Amy E. Carroll
Drinker Biddle & Reath, LLP
1500 K Street, NW Suite 1100
Washington, DC 20005
UNITED STATES
dctrademarks@dbr.com Phone:

Registrations Subject to Cancellation

Registration No: 2694857
Registration Date: 03/11/2003
Registrant:
Kudos Information, Inc.
2310 South Miami Boulevard Suite 233
Durham, NC 27702
UNITED STATES

Goods/Services Subject for Cancellation

Class 041. First Use: 20010523 First Use In Commerce: 20010523

All goods and services in the class are cancelled, namely: Educational services, namely, developing courseware featuring technical and business communication skills, computer software use, business management and computer services, educational services, namely publishing and disseminating books, manuals and computer discs on the subjects of technical and business communication skills, computer software use, business management and computer services; educational services, namely, providing customize training courses featuring technical and business communication skills, computer software use, business management and computer services via a global computer network

Ground for Cancellation:

Abandonment
Trademark Act section 14

Registration No: 2703847
Registration Date: 04/08/2003
Registrant:
Kudos Information, Inc.
2310 South Miami Boulevard Suite 233
Durham, NC 27702
UNITED STATES

Goods/Services Subject for Cancellation

Class 041. First Use: 20010523 First Use In Commerce: 20010523

All goods and services in the class are cancelled, namely: Educational services, namely, developing courseware featuring technical and business communication skills, computer software use, business management and computer services, educational services, namely publishing and disseminating books, manuals and computer discs on the subjects of technical and business communication skills, computer software use, business management and computer services; educational services, namely, providing customize training courses featuring technical and business communication skills, computer software use, business [mnagement] * management * and computer services via a global computer network

Ground for Cancellation:

Abandonment
Trademark Act section 14

Attachments:

Petition to Cancel.pdf (7 pages)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by First Class Mail on this date.

Anthony J. Palumbo
/anthony j. palumbo/
12/16/2008



United States Patent and Trademark Office

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 7KHIFROMQAPHA RXUXEP LVRQILQAMGIEH92 I
 <RXP D, ISUQMOFFS\IRI W8MUH-HSWRJA RXUHFUGM

ESTTA Tracking number: **ESTTA255466**Filing date: **12/16/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Kudos Film & Television Limited		
Entity	Corporation	Citizenship	United Kingdom
Address	c/o Lee & Thompson, Green Garden House 15-22 St. Christopher's Place London, W1U1NL UNITED KINGDOM		

Attorney information	Amy E. Carroll Drinker Biddle & Reath, LLP 1500 K Street, NW Suite 1100 Washington, DC 20005 UNITED STATES dctrademarks@dbr.com
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Registrations Subject to Cancellation

Registration No	2694857	Registration date	03/11/2003
Registrant	Kudos Information, Inc. 2310 South Miami Boulevard Suite 233 Durham, NC 27702 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2001/05/23 First Use In Commerce: 2001/05/23 All goods and services in the class are cancelled, namely: Educational services, namely, developing courseware featuring technical and business communication skills, computer software use, business management and computer services, educational services, namely publishing and disseminating books, manuals and computer discs on the subjects of technical and business communication skills, computer software use, business management and computer services; educational services, namely, providing customize training courses featuring technical and business communication skills, computer software use, business management and computer services via a global computer network
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Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	2703847	Registration date	04/08/2003

Registrant	Kudos Information, Inc. 2310 South Miami Boulevard Suite 233 Durham, NC 27702 UNITED STATES
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Goods/Services Subject to Cancellation

Class 041. First Use: 2001/05/23 First Use In Commerce: 2001/05/23
All goods and services in the class are cancelled, namely: Educational services, namely, developing courseware featuring technical and business communication skills, computer software use, business management and computer services, educational services, namely publishing and disseminating books, manuals and computer discs on the subjects of technical and business communication skills, computer software use, business management and computer services; educational services, namely, providing customize training courses featuring technical and business communication skills, computer software use, business [management] * management * and computer services via a global computer network

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel.pdf (7 pages)(267312 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/anthony j. palumbo/
Name	Anthony J. Palumbo
Date	12/16/2008

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant:	Kudos Film & Television Limited	:	
		:	Trademark Operations
Ser. No.:	77/164,767	:	
		:	Att'y: Sani Khouri
Filed:	April 24, 2007	:	
		:	Law Office 110
Mark:	KUDOS	:	

NOTICE OF APPEAL

The Honorable Commissioner for Trademarks
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

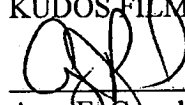
Dear Sir/Madam:

Applicant, pursuant to Trademark Rule 2.141, hereby appeals to the Trademark Trial and Appeal Board from the Examining Attorney's final refusal of registration dated June 16, 2008. A Request for Reconsideration by the Examining Attorney is being filed concurrently herewith. Applicant attaches hereto a copy of the Request for Reconsideration for ready reference.

The filing fee of \$300.00 for the Notice of Appeal is included. If for any reason the amount is insufficient, please charge any fee or insufficiency to the deposit account of Drinker Biddle & Reath LLP, Account No. 500573.

Respectfully submitted,

KUDOS FILM & TELEVISION LIMITED



Amy E. Carroll

Linda T. Makings

Anthony J. Palumbo

Drinker Biddle & Reath LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Phone: (202) 842-8800; Fax: (202) 842-8465

Attorneys of Record

FILED ELECTRONICALLY
December 16, 2008

